IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION Nos: 22168 of 2004 & 22565 of 2004

W.P.No.22168 of 2004

Between:

1 Smt.Dy.Nagamani W/o.D.Jaya Rami Reddy,

Fair Price shop dealer
Shop No.145, Weaker Section Colony, Kurnool
2 K.Somesh S/o.K.Laxmanna, Fair Price Shop Dealer,
Shop No.146, Weaker Section Colony, Kurnool

..... PETITIONERS

AND

The Collector and District Magistrate Kurnool, Kurnool District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus to declare the impugned proceedings D.Dis. CS2/49/2004 dt.15.3.2004 issued by the respondent bifurcating the existing three Fair Price Shops into four Fair Price Shops in Weaker Section Colony, Kurnool, as illegal, arbitrary and contrary to the guidelines prescribed by the Government and consequently set aside the same and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

2. WRIT PETITION NO : 22565 of 2004

Between:

Smt. Khyrun Bee, W/o.Mahaboob Basha,
Fair Price Shop Dealer,

shop No.147, Weaker Section Colony, Kurnool.

..... PETITIONER

AND

The Collector and District Magistrate, Kurnool, Kurnool District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus to declare the impugned proceedings D.Dis CS2/49/2004 dt. 15-3-2004 issued by the respondent bifurcating the existing three fair price shops into four fair price shop in Weaker section colony, kurnool, as illegal, arbitrary and contrary to the guidelines prescribed by the Government and consequently set aside the same and to grant such other relief or reliefs as this Hon'ble court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner

in both the cases : MR.J.JANAKIRAMI REDDY

Counsel for the Respondent

in both the cases : GP FOR CIVIL SUPPLIES

The Court made the following:

COMMON ORDER:

The petitioners are the existing fair price shop dealers in respect of certain shops. Their grievance is that the District Collector, Kunool issued orders, dated 15.03.2004 proposing to bifurcate the shops and as a result they are left with very less number of cards. Several contentions were advanced while challenging the order, dated 15.03.2004.

Heard learned counsel for the petitioners and the learned Government Pleader for Civil Supplies.

Establishment of fair price shops or bifurcation of the same is left to the discretion of the authorities concerned and the interference with the same is almost minimal. The Government, through its memo dated 22.01.1999, framed guidelines in the matter of establishment and bifurcation of fair price shops. Depending on the nature of the locality, such as village, municipality, corporation, minimum number of cards are required to be left with the dealer. The maximum that this Court can ensure as and when any complaints are made is that the guidelines be adhere to.

The petitioners state that their shops are in the corporation and according to the guidelines, they are entitled to be left with atleast 800 cards, whereas the impugned order has the effect of reducing the cards allotted to the petitioner less than the minimum.

The circumstances under which the bifurcation was undertaken and the allotment of cards was made, cannot be adjudicated by this Court, particularly at this stage. If the petitioners are aggrieved, they can certainly make a representation to the District Collector, who, in turn, shall consider the same in the light of the memo, dated 22.01.1999 and pass appropriate orders.

Hence, the writ petitions are disposed of, directing that it shall be open to the petitioners to make representation to the District Collector, within 15 days from today, pointing out their grievance. On receiving the same, the District Collector shall pass appropriate orders, within four weeks thereafter. Till such time, the existing

arrangement of distribution of essential commodities in respect of the shops in question shall be continued. There shall be no order as to costs.

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09.02.2005

Jsu
To

1. The Collector and District Magistrate Kurnool, Kurnool District.

2. 2 CCs to the G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT).

3. 2 CD copies.